

# WEITZ & LUXENBERG

# RECEIVED

MAR 06 2023

A PROFESSIONAL CORPORATION  
• LAW OFFICES •

DENISE PAGE HOOD  
U.S. DISTRICT JUDGE

PERRY WEITZ  
ARTHUR M. LUXENBERG

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\* Of Counsel

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Δ Admitted only in MA  
\* Admitted only in MI  
\*\* Admitted only in OH  
--- Admitted only in PA  
ΔΔ Admitted in CA  
\*\* Admitted in CO  
‡ Admitted in CT  
§ Admitted in DC  
\* Admitted in FL  
♦♦ Admitted in GA  
†† Admitted in IL  
† Admitted in IN  
† Admitted in NJ  
† Admitted in NY  
† Admitted in OH  
† Admitted only in CA & UT  
Δ Admitted only in CA, PA & VA  
§ Admitted only in NJ & PA  
\* Admitted only in NJ, PA & WV  
♦ Admitted only in OR & MI  
×× Admitted in DC & MD  
+ Admitted in MD & NJ  
† Admitted in NJ & CT  
= Admitted in NJ & DC  
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EE Certified Atty. NJ Supreme Court

March 3, 2023

## Via Federal Express:

US District Court of Eastern Michigan  
Judge Denise Page Hood  
231 W Lafayette Blvd., Room 251  
Detroit, MI 48226

## Notice of Appeal for Attached Client List Decision of Lien Judge

Dear Judge Hood:

Our firm previously filed attorney liens for the 70 Claimants at issue herein in August and September of 2022 for reimbursement of our attorney's fees and expenses. See, the attached list of Claimants' Premium Payments related to their Claims. On February 21, 2023, we were advised that our claims for reimbursement were denied due to an alleged failure to include a reason why we could not distribute the claimant's payment's directly to the claimant (see attached decision of the Lien Judge). Apparently, the explanation we provided was not sufficiently detailed, despite working on these files for almost thirty years and keeping a full-time attorney and staff members working on these cases for that whole time. Moreover, it should be noted that on a previous lien request for Claimant, Lee Ann Reinwald-Lagge SID#: 1352746 we had been admonished for putting in too much detail about our efforts on behalf of the client. Clearly our efforts to obtain compensation for

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1983 MARCUS AVENUE, SUITE 104 • LAKE SUCCESS, NY 11042 • TEL 516-861-8500

**Page 2**  
**Notice of Appeal**

our clients were not appreciated nor did the Lien Judge appear to consider our efforts worthy of compensation.

What is most upsetting is that over the years that various Claims Administrators have sent other firms clients (firms went out of business) or individual unrepresented clients to us, so that we could help them through the claims process. To imply that we were not sufficiently diligent in our efforts to get our clients paid and thus are not entitled to a recovery for our efforts is most disappointing. We respectfully request a reversal of this decision to deny our attorney lien.

Starting in 1992 our firm began to work diligently on these files to obtain our clients Proof of Manufacturer documents for both the Revised Settlement (RSP) and Dow Corning Settlement Plans. We also scheduled and paid for their appointment with Expert Doctors, whose reports qualified these clients for compensation under the Revised Settlement and Dow Corning Settlement plans. We also ordered and paid for supportive medical records for their Disease Claim submissions.

Having filed and supplied all of the relevant forms and paperwork for our clients' Disease and Rupture claims we then awaited the SFDCT's decision on the acceptability of our clients' proof of their claims. If approved, we proceeded to distribute their settlements and if not we worked on collecting sufficient documentation to cure any deficiency in the claim. These claims started to be approved in 2004-2005 and settlement payments started to come into our office. These payments required individual discussions with each of these clients to establish their current mailing addresses and proper payment instructions on their settlement checks. Not surprisingly, when these settlement payments were being distributed, we needed to confirm our clients' mailing addresses and payment information, since the initial filing of their claims a number of our clients had become divorced, widowed or remarried and some had passed away and thus the name we needed to put on their settlement checks could have changed. This required a tremendous amount of work to clear any liens and to make sure our clients were timely paid. It was also during this process that we took another opportunity to request alternative contact information from our clients, should we be unable to reach them in the future. All of the clients on the attached list received their base Disease and if applicable Rupture payments.

Another ten years passed before the distribution of the First Premium payments began. However, during that time period we maintained contact with our clients, responded to their inquiries and kept them up to date on the progress of the litigation. Once the First Premium payments began to come in, we again reached out to our clients to have individual discussions with each of these clients to establish their current mailing addresses and proper payment instructions on their settlement checks. To complicate matters further, it was often during these discussions or in response to our letters or e-mails that we were first made aware of the client's passing. Once we became aware of the death of the claimant it was our practice to reach out to the surviving family members to have them supply us with the proper Estate paperwork that must be submitted in order for the claim to resolved. That process is always very stressful, as you are often working with individuals who may have had no idea that their loved one had a claim, and often such discussions

**Page 3**  
**Notice of Appeal**

bring up painful memories related to the loss of their loved one. Getting someone to step forward to take responsibility to set up an Estate requires a lot of time on the phone with various family members, and in the end, it can still result in nobody from the family being interested in moving forward despite our best efforts. That is what happened with all the clients at issue herein. Either no family member was willing to assist us in setting up an Estate (not interested, too expensive or not worth doing) or we simply could not get someone to respond to our calls and letters or we simply could not find anyone to work with. When we submit our letter brief, we will set forth in greater detail our efforts to contact and ultimately pay the clients that we are seeking payment on for our attorney liens.

We respectfully request that that the lien Judges decision be revered, and our liens upheld, as we spent several years prepping these cases for submission (all their Disease and Rupture claims were approved). As a result of these efforts, the client received approval for compensation in the Dow Corning Plan as well as approval of their Premium payments. The problem here is that we simply can't get a family member to work with us, and that should not be a reason why our lien is denied.

Thank you for your consideration in this matter. Please advise us as to when our letter brief will be due. Should you have any questions, please feel free to contact me at (212) 558-5591 or (917) 749-4731.

Very Truly Yours,

WEITZ & LUXENBERG, P.C.,

By: 

Michael Pederson, Esq.

Enclosures

*cc: Settlement Facility-Dow Corning Trust; via Fedex & E-mail*

ID	SIDNum	W&L #	LNAME	FNAME
1	1051577	36566	KAUFFMAN	ROBERTA K.
2	1051889	31908	LIPMAN	MAUREEN ANITA
3	1052920	30759	WALTER	LURENA
4	1070641	30457	WILLS	MIRIAM (MARIE)
5	1282123	35423	CURTIN	KIM
6	6149699	36699	FLINT	TSILLA
7	245625	36124	VANDERSALL	SHIRLEY
8	323025	36126	VOGEL	ARLENE
9	1008052	35963	DOWD	KATHLEEN
10	1051922	31387	PRICE	JEAN
11	1052125	32993	HERION	SARAH
12	1052223	33027	VASTANO	MARY ANN
13	1052863	31531	FORD	DORIS L.
14	1053158	30580	PHILLIPS	BARBARA
15	1070646	31308	HEMINGWAY-MASON	LAWANDA FAYE
16	1105991	30885	DALE	ADELE
17	1106040	32868	DAVIS	MARY ELIZABETH
18	1106179	34043	BRUGGER	EVELYN ELIZABETH
19	1106320	34062	CHURCHILL	JUDITH K.
20	1106391	30030	BROOKS	ZELDA
21	1106398	34516	DIMIN	HELENE
22	1106689	31722	DOWDLE	SHIRLEY
23	1106748	35051	DONALDSON	MARGARET JOANNA
24	1106868	33342	REYNOLDS	KATHY
25	1106872	35243	SCHULLERMAN	RITA
26	1107008	31716	REA	JOAN
27	1107038	35138	JONES	STARLET LACEY
28	1107052	30241	POTESTIO	LISA
29	1107096	35626	RUGGIERO	LYLA ANN
30	1107203	30714	SCHULTZ	FREDA
31	1107253	33949	JOHNSON	PATRICIA JULIA
32	1107263	35597	KOWADLO	BONNIE F.
33	1107680	30415	TRAVERS	JOAN
34	1107567	33293	GLATZEL	EVANGELINA
35	1107790	33322	MORROW	SANDRA
36	1118666	32134	LESLIE	MARY ANNA
37	1119343	31653	KOSTELNIK	CHERYL
38	1119483	32691	HARRISON	SLAVICA
39	1120307	33186	BOWLIN	CAROL
40	1135709	32709	MERCURIO	PATRICIA
41	1136680	36763	SWALLEY	JO ANN
42	1135722	32414	NATIONS	BEVERLY
43	1139323	31939	COOPER	CAROLYN
44	1218122	34189	CARLON	NONA L.
45	1218231	31472	FOSTER	MARY ANN
46	1218309	35075	FRANK	DORIS GODDARD

ID	SIDNum	W&L #	LNAME	FNAME
47	1218393	32794	OSBORNE	TAMRA
48	1226730	33452	MCWRIGHT	BARBARA E.F.
49	1229036	31970	NEWTON	SHARON
50	1228337	34252	BUCKLEY	SHARON J.
51	1229264	31214	FISHER	EDITH IRENE
52	1229631	35501	DERIENZO	SUSAN
53	1261187	32953	REYES	JOHANNA E
54	1263362	30625	FREEMAN	JUNE SYLVIA
55	1308119	30828	MYERS	DRAXIE N.
56	1312387	35023	CANAKARIS	GEORGIA
57	1352798	30458	WINOWSKY	MARIELLA
58	1352805	32482	YUNIS	LYNNE H.
59	1371744	34850	PHELPS	MARGARET
60	1376656	33528	WALL	ANN
61	1462188	32705	MCGUIRE-GONZALES	COLLEEN KAY
62	2788307	30595	JONES	MARY ANNA
63	6124719	35957	DELEO-BARLOW	MARY
64	6182350	35984	HARRISON	ELIZABETH
65	6300887	36753	PERKINS	JUNE
66	6342252	36791	SEMMELE	SHELLEY
68	6368154	36053	SWAIM	MAXINE LOUISE
69	1263352	35628	JANSSEN	DIANNA
70	1106971	34867	PINK	VERNA

**S F D C T**  
| | | | |  
**SETTLEMENT FACILITY**  
**DOW CORNING TRUST**

P.O. Box 52429  
HOUSTON, TEXAS 77052

TELEPHONE 713.874.6099  
866.874.6099

February 21, 2023

WEITZ & LUXENBERG P.C.  
700 BROADWAY  
NEW YORK, NY 10003-9536  
UNITED STATES OF AMERICA

**RE: LIEN JUDGE DECISION**  
**See Attached**  
**FedEx # 8168 9603 2830**

The Settlement Facility – Dow Corning Trust (SF-DCT) has received a decision from the Lien Judge regarding your lien dispute. A copy of the decision is attached for your review.

Section 7.01 of the "Procedures For The Review of Asserted Liens Against Settling Implant Claimants" provides that: *"Either party may appeal the decision of the Lien Judge by filing a Notice of Appeal with the District Court within 14 days of the date of the notice from SF-DCT providing the decision of the Lien Judge."*

***If you wish to appeal the decision of the Lien Judge you must file the appeal with the District Court and THE SF-DCT within 14 days from the date of this letter. If the SF-DCT does not receive a notice of appeal within 14 days, payment will be issued according to the Lien Judge's decision.***

The address to submit the appeal to the District Court is:

United States District Court for the Eastern District of Michigan  
Judge Denise Page Hood  
231 West Lafayette Blvd. Room 251  
Detroit, MI 48226

Sincerely,

Settlement Facility – Dow Corning Trust  
Enclosures: Lien Judge Decision

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE:

File No.	Claimant	SID No.	File No.	Claimant	SID No.
22-854	Shirley Vandersall	0245625	22-923	Frances Johnson	1119426
22-857	Arlene Vogel	0323025	22-924	Slavica Harrison	1119483
22-858	Kathleen Dowd	1008052	22-925	Carol Bowlin	1120307
22-863	Jean Price	1051922	22-926	Patricia Mercurio	1135709
22-864	Sarah Herion	1052125	22-927	Jo Ann Swalley	1136680
22-866	Mary Vastano	1052223	22-928	Beverly Nations	1135722
22-871	Doris Ford	1052863	22-930	Carolyn Cooper	1139323
22-873	Barbara Phillips	1053158	22-936	Nona L Carlon	1218122
22-879	Lawanda Hemingway-Mason	1070646	22-938	Maryann Foster	1218231
22-882	Adele Dale	1105991	22-940	Doris Frank	1218309
22-884	Mary Elizabeth Davis	1106040	22-942	Tamra Osborne	1218393
22-886	Evelyn Brugger	1106179	22-945	Barbara McWright	1226730
22-887	Betty Bruce	1106181	22-947	Sharon Newton	1229036
22-889	Judith Churchill	1106320	22-948	Sharon Buckley	1228337
22-890	Zelda Brooks	1106391	22-950	Edith Fisher	1229264
22-891	Helene Dimin	1106398	22-952	Susan DeRienzo	1229631
22-894	Shirley Dowdle	1106689	22-955	Johanna E Reyes	1261187
22-895	Margaret Donaldson	1106748	22-958	June Sylvia Freeman	1263362
22-897	Kathy Reynolds	1106868	22-967	Draxie Myers	1308119
22-898	Rita Inez Schullerman	1106872	22-968	Georgia Canakaris	1312387
22-902	Joan Rea	1107008	22-973	Mariella Winowsky	1352798
22-904	Starlet Jones	1107038	22-974	Lynn Yunis	1352805
22-905	Lisa Potestio	1107052	22-976	Margaret Phelps	1371744
22-906	Lyla Ruggiero	1107096	22-977	Ann Wall	1376656
22-907	Freda Schultz	1107203	22-979	Colleen Gonzales	1462188
22-909	Patricia J Johnson	1107253	22-982	Mary A Jones	2788307
22-910	Bonnie F Kowaldo	1107263	22-986	Mary C Barlow Deleo	6124719
22-914	Joan Travers	1107680	22-988	Elizabeth Harrison	6182350
22-915	Evangelina Glatzel	1107567	22-989	June Perkins	6300887
22-917	Sandra Morrow	1107790	22-990	Shirley Semmel	6342252
22-919	Mary Anna Leslie	1118666	22-991	Maxine Louise Swaim	6368154
22-922	Cheryl Kostelnik	1119343	22-992	Dianna Janssen	1263352
			22-1014	Verna Pink	1106971

**DETERMINATION DENYING LIEN FOR ATTORNEY FEES AND EXPENSES**

An Order captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants"



**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

entered by Hon. Denise Page Hood on April 13, 2018 allowed Attorneys of Record ("AOR") to file a Proof of Lien ("POL") form to recover fees and expenses against approved claims even though the Claimant, or her estate, were currently unwilling or unavailable to receive payment. §6.07

There is however, a requirement for AORs to receive Trust funds in this situation. The POL form attached to the Order requires the AOR to sign "under penalty of perjury" that in "asserting a lien...because you either cannot locate your client to distribute a payment or are unable to distribute a payment because the claimant is deceased" to attest "(o)n a separate piece of paper," a description of "the efforts you have taken to locate your client, the last known address and contact information for the client and/or any contact information for heirs and/or probate administrators and representatives, if applicable. The statement must include a reason why you cannot distribute the claimant's payments directly to the claimant."

To date, Weitz & Luxenberg has filed 140 POL forms seeking fees and expenses under this section of the form. As to 65 claims, the complete explanation for being unable to compensate its client is as follows:

Attached are liens for the Claimants listed below, the families have decided not to pursue the Estate, as the cost of setting up the Estate exceeds the settlement amount or the established Representatives have failed to keep an open line of communications with our office. Despite numerous attempts, we have been unable to locate them. Thank you.

A simple reading of the language of the form advises that the information to be provided must relate to the individual circumstances of the Claimant, i.e. an address, contact information, and heirs is listed; something specific to each Claimant, such as a date of death if the Claimant is deceased.

Weitz & Luxenberg's statement appears to apply to any deceased client whose heirs have been in contact with the firm, OR, representatives who failed to contact the firm. This explanation is in the alternative. The POL requires a statement of what the firm did, not what the Claimant failed to do.

The POL failed to specify the information and efforts taken to comply with this requirement. "Numerous attempts" is a conclusionary statement that does not fulfill the requirement for a lien payment in the absence of payment to the Claimant or her estate.

For this reason, the liens requested are denied.

Dated: February 17, 2023

*Pamela R. Harwood*

Pamela R. Harwood, Lien Judge



**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE:

File No.	Claimant	SID No.
22-860	Roberta Kaufman	1051577
22-861	Maureen Lipman	1051889
22-870	Lurena Walter	1052920
22-878	Miriam Wills	1070641
22-962	Kim Curtin	1282123
22-987	Tsilla Flint	6149699

**DETERMINATION DENYING LIEN FOR ATTORNEY FEES AND EXPENSES**

An Order captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants" entered by Hon. Denise Page Hood on April 13, 2018 allowed Attorneys of Record ("AOR") to file a Proof of Lien ("POL") form to recover fees and expenses against approved claims even though the Claimant, or her estate, were currently unwilling or unavailable to receive payment. §6.07

There is however, a requirement for AORs to receive Trust funds in this situation. The POL form attached to the Order requires the AOR to sign "under penalty of perjury" that in "asserting a lien...because you either cannot locate your client to distribute a payment or are unable to distribute a payment because the claimant is deceased" to attest "(o)n a separate piece of paper," a description of "the efforts you have taken to locate your client, the last known address and contact information for the client and/or any contact information for heirs and/or probate administrators and representatives, if applicable. The statement must include a reason why you cannot distribute the claimant's payments directly to the claimant."

The POL forms filed for the above captioned Claimants did not include a statement required by the form.

For this reason, the liens requested are denied.

Dated: February 17, 2023

*Pamela R. Harwood*

\_\_\_\_\_  
Pamela R. Harwood, Lien Judge

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Marcia McMillen  
S.I.D. 0241596  
File No. 22-853

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**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES AND DENYING**  
**LIEN FOR EXPENSES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien Form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$1,000). The Weitz lien is for attorney fees and expenses. Weitz has represented Claimant since 2003.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, 5.10.1 and Annex A, 9.0, \$225.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, Weitz's \$ 225.00 lien for attorney fees is allowed.

The cost ledger submitted for expenses lists a \$4.00 unallowable expense for certified mail. July 22, 2004 Order, Exhibit 1. For this reason, the \$4.00 lien for expenses is denied.

Dated: February 17, 2023

*Pamela R. Harwood*

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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of Annex A to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information Guide for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated July 22, 2004 captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated May 23, 2005 captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated October 6, 2005 captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On December 3, 2015, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; December 27, 2017 Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated April 13, 2018 captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Terrie Spano  
S.I.D. 0252239  
File No. 22-855

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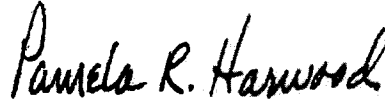
**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$2,000) and Rupture Premium Payment (\$2,500). The lien is for attorney fees. Weitz has represented Claimant since 2002.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$1,012.50 is allowable for attorney fees. It should be noted that the Premium Payment benefits are a direct result of the representation by Weitz that led to the previous award for Disease and Rupture benefits. For this reason, a \$1,012.50 lien for attorney fees is allowed.

Dated: February 17, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Ellen Ray  
S.I.D. 0277012  
File No. 22-856

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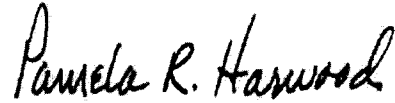
**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$2,000). The lien is for attorney fees. Weitz has represented Claimant since 1997.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$225.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, a \$225.00 lien for attorney fees is allowed.

Dated: February 17, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Rosemarie Sloane  
S.I.D. 1051839  
File No. 22-859

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**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$500) and Rupture Premium Payment (\$2,500). The lien is for attorney fees. Weitz has represented Claimant since 1992.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$675.00 is allowable for attorney fees. It should be noted that the Premium Payment benefits are a direct result of the representation by Weitz that led to the previous award for Disease and Rupture benefits. For this reason, a \$675.00 lien for attorney fees is allowed.

Dated: February 16, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Janice Linssen  
S.I.D. 1051891  
File No. 22-862

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**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$1,000). The lien is for attorney fees. Weitz has represented Claimant since 1993.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$225.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, a \$225.00 lien for attorney fees is allowed.

Dated: February 16, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."



**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Maryjane Querio  
S.I.D. 1052128  
File No. 22-865

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**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$1,000). The lien is for attorney fees. Weitz has represented Claimant since 1994.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$225.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, a \$225.00 lien for attorney fees is allowed.

Dated: February 16, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Paula Mall  
S.I.D. 1052432  
File No. 22-867

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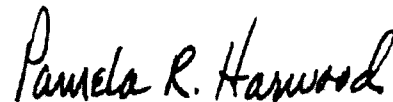
**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$2,000). The lien is for attorney fees. Weitz has represented Claimant since 1993.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, §5.10.1 and Annex A, §9.01(a), \$450.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, a \$450.00 lien for attorney fees is allowed.

Dated: February 16, 2023



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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of **Annex A** to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information **Guide** for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated **July 22, 2004** captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **May 23, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated **October 6, 2005** captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On **December 3, 2015**, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; **December 27, 2017** Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated **April 13, 2018** captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."

**DECISION OF THE LIEN JUDGE**  
**DOW CORNING TRUST**

IN RE: Joyce Freireich  
S.I.D. 1052654  
File No. 22-868

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**DETERMINATION GRANTING LIEN FOR ATTORNEY FEES AND DENYING**  
**LIEN FOR EXPENSES**

Weitz and Luxenberg ("Weitz") filed a Proof of Lien Form against funds held by the SF-DCT for Claimant's Disease Premium Payment (\$1,000). The Weitz lien is for attorney fees and expenses. Weitz has represented Claimant since 1992.

Lien disputes are governed by the Orders of the Court and governing documents.<sup>1</sup>

Based on the Schedule in the Plan, 5.10.1 and Annex A, 9.0, \$450.00 is allowable for attorney fees. It should be noted that the Premium Payment benefit is a direct result of the representation by Weitz that led to the previous award for Disease benefits. For this reason, Weitz's \$ 450.00 lien for attorney fees is allowed.

The cost ledger submitted for expenses lists a \$4.00 unallowable expense for certified mail. July 22, 2004 Order, Exhibit 1. For this reason, the \$4.00 lien for expenses is denied.

Dated: February 16, 2023

*Pamela R. Harwood*

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Pamela R. Harwood, Lien Judge

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<sup>1</sup> Article 5.10 of the Amended Joint Plan of Reorganization ("Plan") as updated June 1, 2004; Article 9.01 and 9.02 of Annex A to the Settlement Facility and Fund Distribution Agreement ("SFA") between Dow Corning Corporation and the Claimants' Advisory Committee; Questions and Answers contained in Claimant Information Guide for Class 5 Breast Implant Claims ("Guide"); Order of the District Court dated July 22, 2004 captioned "Agreed Order Adopting Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated May 23, 2005 captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; Order of the District Court dated October 6, 2005 captioned "Agreed Order Adopting Additional Q&A Pursuant to Article IX of Annex A, The Claims Resolution Procedures"; On December 3, 2015, Chief Judge Denise Page Hood entered the Consent Order To Establish Guidelines For Distributions From The Class 7 Silicone Material Claimants' Fund. It restates Section 6.04(h)(v) of Annex A to the SFA; December 27, 2017 Order of the U.S. District Court to pay Partial Second Priority Payments was affirmed by a ruling of the 6<sup>th</sup> Circuit Court of Appeals on December 13, 2018; Order of the District Court dated April 13, 2018 captioned "Amended Stipulation and Order Establishing Procedures for the Review of Asserted Liens against Settling Implant Claimants."